IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CODY MALLOY,	§	
Plaintiff,	§	
	§	
VS.	§	
	§	C.A. A08CA742SS
	§	
RSC EQUIPMENT RENTAL, INC.,	§	
and CLARISSA MELTON,	§	
Individually,	§	
Defendants.	§	

AGREED STIPULATION OF DISMISSAL OF CLAIMS

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Plaintiff Cody Malloy, Defendant RSC Equipment Rental, Inc. and Third-Party Defendant Stone Cnstruction Equipment, Inc., who jointly file this Agreed Stipulation of Dismissal of all claims which have been asserted herein, pursuant to the agreement of all parties and Rule 41 of the Federal Rule of Civil Procedure.

CERTIFICATE OF CONFERENCE

All parties have conferred on this matter and all stipulate to this dismissal with prejudice.

ARGUMENTS AND AUTHORITIES

On September 4, 2008, Plaintiff filed suit against RSC Equipment Rental, Inc. in Travis County District Court, which suit was removed to this Court. On October 31, 2008, RSC Equipment Rental, Inc. filed its Third Party Complaint against Stone

Construction Equipment, Inc. Plaintiff no longer wishes to pursue claims against Defendant RSC Equipment Rental, Inc. and thus moves to dismiss with prejudice all claims against it. Defendant RSC Equipment Rental, Inc. no longer wishes to pursue claims against Third-Party Defendant Stone Construction Equipment, Inc. and thus moves to dismiss with prejudice all claims against it.

This case is not a class action and a receiver has not been required nor appointed. This dismissal is with prejudice.

PRAYER

FOR THE FOREGOING REASONS, the Parties pray that this Court dismiss all claims asserted herein with prejudice and to further afford the Parties all other relief to which they are justly entitled in law and equity.

Respectfully submitted,

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